

response to a restriction requirement. Claim 31 has also been deleted in response to the restriction requirement. Applicants reserve the right to pursue claims to SEQ ID NOS: 1, 3-8 and 10 in one or more divisional applications. Finally, no new matter has been added as a result of these amendments.

#### Information Disclosure Statement

Applicants thank the Examiner for considering the Information Disclosure Statement filed on October 15, 2000 and for enclosing a signed copy in the Office Action. However, upon review of the Information Disclosure Statement, Applicants noted that the references on the second page of the Information Disclosure Statement were not initialed as being considered by the Examiner. Applicants would appreciate it if the Examiner could initial these references as being considered and enclose a copy of said initialed page in the next PTO Communication.

#### Corrected Declaration and Power of Attorney submitted

Applicants are submitting a copy of a corrected Declaration and Power of Attorney showing priority to the parent case and respectfully ask the Examiner to consider the corrected copy into the file.

#### Rejection of Claims 21-30 Under 35 U.S.C. Section 112, First Paragraph

Claims 21-30 are rejected under 35 U.S.C. Section 112, first paragraph as not being enabled for detection using degenerate coding sequences of SEQ ID NO:2. Applicants respectfully traverse this rejection.

The claims refer to “degenerate coding sequences thereof”. The degeneracy of the genetic code is a concept that is well known to those skilled in the art and is discussed in Section 2144.09 of the February 2000 revision of the Manual of Patent Examining Procedure (MPEP). Specifically, this section of the MPEP states that “the fact that most amino acids are specified by more than one nucleotide sequence or codon.” Therefore,

Applicants submit that the claims are sufficiently enabled and that this rejection should be withdrawn.

Rejection of Claims 21-30 Under the Judicially Created Doctrine of Double Patenting

Claims 21-30 are rejected under the judicially created doctrine of double patenting in view of U.S. Patent 5,919,638.

In view of this rejection, Applicants herewith enclose a terminal disclaimer. In view of this terminal disclaimer, Applicants submit that this rejection should be removed.

Applicants submit that the claims are in condition for allowance.

Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below. If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge Deposit Account No. 01-0025.



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**MARKED UP COPY SHOWING CHANGES MADE:**

21. (Amended). A test kit useful for detecting a target polynucleotide in a test sample, comprising:

a container containing at least one reagent polynucleotide having a sequence selected from the group consisting of [SEQ ID NOS:1-8, SEQ ID NO:10, complete complements of SEQ ID NOS:1-8, complete complements of SEQ ID NO:10 and degenerate coding sequences thereof] SEQ ID NO:2, complete complements of SEQ ID NO:2, and degenerate coding sequences thereof.

23. (Amended). A purified polynucleotide having a sequence selected from the group consisting of:

[SEQ ID NOS:1-8, SEQ ID NO:10, complete complements of SEQ ID NOS:1-8, complete complements of SEQ ID NO:10 and degenerate coding sequences thereof] SEQ ID NO:2, complete complements of SEQ ID NO:2, and degenerate coding sequences thereof.

27. (Amended). A recombinant expression system comprising a nucleic acid sequence that includes an open reading frame operably linked to a control sequence compatible with a desired host, wherein the nucleic acid sequence is selected from the group consisting of:

[SEQ ID NOS:1-8,SEQ ID NO:10, complete complements of SEQ ID NOS:1-8, and complete complements of SEQ ID NO:10 and degenerate coding sequences thereof] SEQ ID NO:2, complete complements of SEQ ID NO:2, and degenerate coding sequences thereof.

29. (Amended). A cell transfected with a nucleic acid sequence encoding at least one epitope, the nucleic acid sequence selected from the group consisting of:

[SEQ ID NOS:1-8, SEQ ID NO:10, complete complements of SEQ ID NOS:1-8, and complete complements of SEQ ID NO:10 and degenerate coding sequences thereof]  
SEQ ID NO:2, complete complements of SEQ ID NO:2, and degenerate coding sequences thereof.

30. (Amended). A composition of matter comprising a purified polynucleotide selected from the group consisting of:

[SEQ ID NOS:1-8, SEQ ID NO:10, complete complements of SEQ ID NOS:1-8, and complete complements of SEQ ID NO:10 and degenerate coding sequences thereof] SEQ ID NO:2, complete complements of SEQ ID NO:2, and degenerate coding sequences thereof.

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